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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,861	01/18/2002	Takahiro Hayashi	218234US2	9218
22850	7590	10/10/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/050,861

Examiner

Perez M. Angelica

Applicant(s)

HAYASHI ET.AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed 9/26/2006.
2. ☒ The allowed claim(s) is/are 1,2,7-10,13,15,16,18-21,24,26-29,32,34-36,38,41-43,45,47,49,52-54,56-58,60 and 61.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>9/26/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                                | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 9/26/2006 was filed after the mailing date of the Notice of Allowance on 9/22/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

2. The drawings filed 01/18/2002 are accepted by the examiner.

## **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Michael E. Monaco (Reg. No.: 52,041).

### **In the claim:**

In claim 24, line 1, after " The transmission power control method as claimed in claim " replace "22" with --20--.

In claim 45, line 2, after "The transmission power control apparatus as claimed in claim ", replace "44" with --36--.

In claim 56, line 1, after "The transmission power control method as claimed in claim", replace "55" with --47--.

**NOTE:** The above amendment has been made in order to place the claims in condition for allowance by changing the dependency of c the claims.

***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 20, of a transmission power control apparatus and method for a wireless communication apparatus for reducing a power value of a signal input to a power amplifier to the maximum allowable input power value of the power amplifier or below, the transmission power control apparatus comprising: a setting part for setting a transmission power upper limit value of a call according to a circuit type of the call, where the circuit type includes a packet switching type and a circuit switching type, the transmission power upper limit value comprising a first transmission power upper limit upper limit value and a second transmission power upper limit value, where the a first transmission power upper limit upper limit value corresponds to the packet switching type call and the second transmission power upper limit value corresponds to the circuit switching type call, where the first transmission power upper limit value is lower than the second transmission power upper limit value; and of a packet switching type or for a call of a circuit switching type; and a power reducing part for reducing transmission power for the call to or below the transmission power upper limit value depending on the call type.

The prior art of record fails to teach where **the setting part reduces the first upper limit value by a first predetermined ratio when the over-input to the power amplifier occurs, and the setting part increases the first upper limit value by a**

**second predetermined ratio which is lower than the first predetermined ratio when the over-input to the power amplifier does not occur.**

Regarding claims 36 and 47, the prior art of record teaches of a method and a transmission power control apparatus for a wireless communication apparatus for reducing a power value of a signal of calls input to a power amplifier to the maximum allowable input power value of the power amplifier or below. The prior art of record also teaches of a base station in a wireless communications system that comprises the power control apparatus; the transmission power control apparatus comprising: a classifying part for classifying calls into a circuit switching type group and packet switching type group; a power setting part for setting a first transmission power upper limit value of circuit switching type group and a second transmission power upper limit value of the packet switching type group, where the second transmission power upper limit value is lower than the first transmission power upper limit value; and a power reducing part for reducing a power value individually for each group such that a power value of the calls is equal to or below the maximum allowable input power value of the power amplifier.

The prior art of record fails to teach **where the classifying part assigns the priority such that the larger a degree of delay which is allowed by the call is, the lower the priority is, and, the power reducing part reduces each power value of a part of calls in ascending order of the priority such that a power value of calls input to the power amplifier is equal to or below the maximum allowable input power value of the power amplifier.**

Regarding claims 9, 19 and 28, the prior art of record teaches of a transmission power control apparatus and method for a wireless communication apparatus for reducing a power value of a signal input to a power amplifier to the maximum allowable input power value of the power amplifier or below, the transmission power control apparatus comprising: a target SIR setting part for setting the first control target SIR value for a packet switching type call and a second control target SIR value for a circuit switching type call, teaches where the first control target SIR is smaller than the second control target SIR. The prior art of record also teaches of a SIR determining part for determining a control target SIR according to a circuit type of the call; where the circuit type includes a packet switching type and a circuit switching type, the control target SIR value comprising a first control target SIR value and a second control target SIR value, the first and second control target SIR values corresponding to the circuit type.

The prior art of record fails to teach where, the SIR determining part reduces the first control target SIR by a first predetermined ratio when the over-input to the power amplifier occurs, and the SIR determining part increases the first control target SIR by a second predetermined ratio which is lower than the first predetermined ratio when the over-input to the power amplifier does not occur. The prior art of record also fails to teach of the SIR determining part.

5. Claims 2, 7-8, 17, 58; 21, 24, 26-27, 60; 49, 52, 54, 56-56; 10, 13, 15-16, 18; 29, 32, 34-35, 61 and 38, 41-43, 45 depend on claims 1, 20, 47, 9, 28 and 36, respectively; therefore, the examiner is giving the same reasons for allowance as set forth above.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

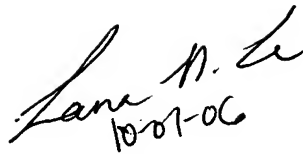
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.



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Angelica Perez  
Examiner

  
10-07-06  
LANA LE  
PRIMARY EXAMINER

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October 2, 2006